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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/999,297	12/29/97	POOL	E 0090-001

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LM02/0321

EXAMINER

FREJD, R

ART UNIT

PAPER NUMBER

2763

13

DATE MAILED: 03/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/999,297

Applicant
POOL et al.

Examiner
RUSSELL FREJD

Group Art Unit
2763



☒ Responsive to communication(s) filed on Mar 3, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-20 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 13, and 18 is/are rejected.

☒ Claim(s) 2-12, 14-17, 19, and 20 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 11, 12

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Examination of Application #08/999,297

1. Claims 1-20 of application 08/999,297, filed on 29-December-1997, are presented for examination. This non-final second action is presented for consideration in response to Applicant's Response/Amendment, received 5-January-2000, and the subsequent follow-up search of the Examiner.

Specification Objections

2. The Examiner acknowledges Applicant's remarks concerning the inclusion of Appendices I and II, and will address this issue in the event a Notice of allowance is issued, as per Applicant's suggestion.

Claim Rejections under 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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4. Claims 1, 13 and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over the article by Ernest Schell, "Business 400: Not just for catalogs", Catalog Age, March 1991, pp. 147-8.

5. Schell disclosed the invention substantially as claimed, including a comprehensive set of order-entry, telephone sales, fulfillment, inventory management and analysis applications, comprising: In regard to claim 1, an international application (Business 400) [p. 147, col. 4], functionally carried out through an Electronic Data Interchange (EDI)[p. 147, col. 2], between a plurality of user's computers [p. 147, col. 3], which is equivalent to applicant's process for carrying out an international transaction over EMF communications links using computer to computer communications;

steps for facilitating translation of the screens and reports to the user's language [p. 147, col. 4], which is equivalent to applicant's selecting a language in which to view catalogue information;

steps wherein the order-entry function supports price levels and codes, as well as multiple currencies [p. 148, col. 3], which is equivalent to applicant's selecting a currency in which to obtain a price of the product;

steps for: 1) accessing a plurality (high-speed "transaction"/telesales/apparel) of order entry modes [p. 148, col. 3] (applicant's selecting products to be purchased), 2) determining a ship to destination [p. 148, col. 3] (applicant's selecting a destination for said selected products to be purchased), and 3) determining automatic shipping charges [p. 148, col. 3] (applicant's

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triggering a calculation of all costs involved in moving said selected products to said destination based upon said destination and said selected products), and

steps for entering one of a plurality of order entry modes [p. 147, col. 4], which is equivalent to applicant's ordering said selected products.

Schell does not specifically teach triggering an electronic funds transfer authorization and generation of electronic title configured to define ownership and facilitate passage of said selected products and payments of international taxes and duties. However, Schell does disclose steps for processing, via an EDI function, bill to/ship to data and sales tax processing [both on p. 148, col. 3], as well as a complete set of import/export processing routines [p. 147, col. 4]. Given applicant's remarks, that an electronic title can more easily be sent to official passage points (such as borders and customs stations) to facilitate the payment of duties, or for inspection operations, the Examiner respectfully posits that a person with ordinary skill in the art would have found it obvious to modify the Business 400 protocol disclosed by Schell, to include the electronic funds transfer authorization functions of the present invention because it would allow the handling of catalog sales, whether nationally or internationally, to be seamlessly customized in accordance with the needs of the user.

In regard to claim 13, the limitations of this claim were discussed in the rejection of claim 1, and are therefore considered rejected for the reasons as set forth above. Furthermore, Schell discloses a software program (Business 400), on a computer (IBM AS/400), for handling order-entry, order processing, inventory management, accounting and reporting

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functions, all of which one of ordinary skill in the art would recognize as requiring access to a database and passing related transaction information. Also, in view of the complete set of import/export processing routines available in Business 400, one of ordinary skill in the art would have found it obvious that the import/export data could be routed electronically to the various passage points via the EDI function.

In regard to claim 18, the limitations of this claim were discussed in the rejection of claim 1, and are therefore considered rejected for the reasons as set forth above.

Claim Objections

6. The remaining claims 2-12, 14-17 and 19-20 are objected to for incorporating the rejection of their respective base claims by dependency.

Response Guidelines

7. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

8. **Any response to the Examiner in regard to this non-final action should be directed to:** Russell Frejd, telephone number (703) 305-4839, Monday-Friday from 0630 to 1500 ET, or the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

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mailed to: Commissioner of Patents and Trademarks
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or faxed to: (703) 308-9051 (for formal communications intended for entry), or
(703) 308-1396 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).*

Date: 18-March-2000

A handwritten signature in cursive script, reading "Russell Frejd", is written over a horizontal line.

**RUSSELL W. FREJD
PATENT EXAMINER**